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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/216,604	12/17/1998	YAJUN GUO		9403
7590	02/03/2004		EXAMINER	
MORRISON & FOERSTER LLP 3811 BALLEY CENTRE DRIVE SUITE 500 SAN DIEGO, CA 92130-5100			EWOLDT, GERALD R	
			ART UNIT	PAPER NUMBER
			1644	

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application N .</b>	<b>Applicant(s)</b>
	09/216,604 Examiner G. R. Ewoldt, Ph.D.	GUO, YAJUN Art Unit 1644

**-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -**

THE REPLY FILED 11 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a)  The period for reply expires 4 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
**ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): 102/ claims 96 & 100.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 100.

Claim(s) objected to: \_\_\_\_\_.

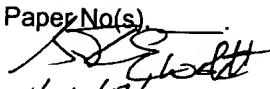
Claim(s) rejected: 85, 91-92, 94-99.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) ( PTO-1449 ) Paper No(s) \_\_\_\_\_.

10.  Other: \_\_\_\_\_



1/26/04  
G.R. EWOLDT, PH.D.  
PRIMARY EXAMINER

**DETAILED ACTION**

1. While Applicant's amendment has overcome the rejection for lack of enablement as it regarded the generic use of any cytokine, i.e., by the recitation of the limitation that the cytokine be IFN $\gamma$  or TNF $\alpha$ , the rejection has been maintained because independent Claim 85 still recites a method employing any bispecific monoclonal antibody with only the limitation that said antibody bind a costimulatory molecule on the surface of a T cell. Note that the rejection indicated that the specification was only enabling for "a CD28:gp115 or CD28:gp55 bispecific monoclonal antibody bridge molecule". Accordingly, the previous rejection under the first paragraph of 35 U.S.C. 112 of Claims 85, 91-92, and 94-99 has been maintained.

2. Claim 100 is allowed. Claim 96 would be allowable if written in independent form.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973.

**Please Note:** inquiries of a general nature or relating to the status of this application should not be directed to the Examiner but rather should be directed to the Technology Center 1600 Customer Service Center at (703) 308-0198.

G.R. Ewoldt, Ph.D.  
Primary Examiner  
Technology Center 1600

  
1/26/04  
**G.R. EWOLDT, PH.D.**  
**PRIMARY EXAMINER**